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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,877	03/31/2000	Laura M. Zanibelli	2264-031S-OX	9235

22850 7590 04/18/2003

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EXAMINER

NGUYEN, TAM M

ART UNIT PAPER NUMBER

1764

22

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/539,877

Applicant(s)

ZANIBELLI ET AL.

Examiner

Tam M. Nguyen

Art Unit

1764

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-18 and 27.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Hien Tran

**HIEN TRAN
PRIMARY EXAMINER**

Continuation of 5. does NOT place the application in condition for allowance because: The argument that that the Hart reference does not disclose that the olefins of the hydrocarbon feed undergoes significant isomerization with minimal hydrogenation of the olefins to paraffinic material is noted. However, the argument is not persuasive because the limitation that minimal hydrogenation of the olefins to paraffinic material is not in the claims. Also, Hart teaches that olefins in the hydrocarbon feed are hydroisomerized to olefins and/or paraffins. Therefore, the limitation that the hydrodesulfurization with concomitant skeletal isomerization of the olefins of said mixture is embraced by the reference.

The argument that the claimed feed is not a combination of an olefinic feedstock and sulfur-containing feedstock is noted. However, the argument is not persuasive because the limitation the feedstock is not a combination of different feedstocks was not in the claims.

The argument that the Hart does not disclose that the claimed silica support is noted. However, the argument is not persuasive because the examiner modified the process of Hart by utilizing the EP catalyst which is similar to the claimed catalyst.

The argument that it is uncertain how the EP catalyst is effective in the hydrogenation process of olefins in the present of hydrogen is noted. However, the argument is not persuasive because the EP catalyst is effective in both hydrodesulfurization and olefinic hydrogenation processes. Therefore, it would be expected that the EP catalyst would be effective when utilizing in the process of Hart. Consequently, it would be expected that the modified process of Hart would provide similar results in terms of skeletal isomerization of olefins because of the similarities between the claimed process and the modified process of Hart in terms of feedstock, operating conditions, and catalyst.